

REMARKS

The present application was filed on July 31, 2003 with claims 1-30. Claims 1-30 are currently pending in the application. Claims 1 and 28-30 are the independent claims.

Claims 1-30 are objected to due to an alleged failure to positively recite claim limitations.

Claims 1-30 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,082,604 (hereinafter “Schneiderman”).

In this response, Applicants amend independent claims 1 and 28-30. Applicants respectfully request reconsideration of the present application in view of the amendments above and the remarks below.

With regard to the objection to the claims, Applicants respectfully traverse. The Examiner argues that the claims fail to recite positive limitations because the claims utilize particular terms, including “such that,” “so as to permit,” “being configurable to,” “being utilizable to” and “being operative to.” The Examiner appears to argue that these particular terms are *per se* objectionable. However, there is no legal support whatsoever for the position that the mere use of some particular term automatically renders the corresponding claims unclear or otherwise indefinite. In fact, the Court of Customs and Patent Appeals, the predecessor to the Federal Circuit, is directly contrary to such a position in the context of §112, second paragraph. See In re Venezia, 189 USPQ 149, (CCPA 1976).

Applicants believe that it is improper for the Examiner to object to any particular claim term in isolation without considering its context within the entire claim. The In re Venezia case indicates that a proper analysis must look at the claim as a whole to determine if the claim particularly points out and distinctly claims the subject matter that is regarded as the invention. If a given claim “define[s] the metes and bounds of the claimed invention with a reasonable degree of precision and particularity, . . . [it is] definite as required by the second paragraph of section 112.” *Id.*, at 151. Each of claims 1-30 is believed to meet this statutory requirement.

For example, with regard to claim 1 as originally filed, the claim recites associating and transmitting steps that the Examiner has failed to consider in formulating an objection to the particular terms noted above. When claim 1 is considered as a whole, as required by an appropriate

analysis, it is apparent that the claim meets the statutory requirements and the objections are without merit. Claims 2-30 are similarly believed to be compliant with the statute.

Notwithstanding the traversal, Applicants have amended independent claims 1 and 28-30 to address certain of the objected-to terms. It is respectfully submitted that such amendments are not made for reasons relating to patentability, as the originally-filed claims are believed to be compliant with the relevant statute. Instead, these amendments are made solely to expedite prosecution, by conforming to a subjective preference of the Examiner. Moreover, these amendments do not narrow the scope of the claims in any way.

With regard the §102(e) rejection of claims 1-30, Applicants respectfully traverse. Applicants initially note that MPEP §2131 specifies that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 further indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 is directed to a method for partitioning of cryptographic functionality so as to permit delegation of at least one of a plurality of distinct portions of the cryptographic functionality from a delegating device to at least one recipient device. The method includes the steps of associating a given set of nodes of a graph characterizing the cryptographic functionality with a corresponding one of the plurality of distinct portions of the cryptographic functionality, and transmitting from the delegating device to the recipient device information representative of one or more of the nodes. The recipient device is configured based on the transmitted information for authorized execution of a corresponding one of the plurality of distinct portions of the cryptographic functionality.

The Examiner argues that the Schneiderman reference teaches each and every one of the above-noted limitations of claim 1. Applicants respectfully disagree. In formulating the rejection of claim 1, the Examiner relies on FIGS. 24-25 and column 1, lines 10-31, column 3, lines 49-67,

column 21, lines 54-67, and column 22, lines 10-48. See the Office Action at page 5, first paragraph. However, the relied-upon portions of Schneiderman fail to meet the limitations of claim 1. For example, these portions of Schneiderman fail to teach or suggest the recited step of associating a given set of nodes of a graph characterizing cryptographic functionality with a corresponding one of a plurality of distinct portions of the cryptographic functionality. The tree node data model of Schneiderman as described in the relied-upon portions is not representative of partitioned cryptographic functionality as in the claimed arrangement, but instead is a tree model of running servers and agents. See Schneiderman at column 22, lines 10-11. The nodes of the Schneiderman tree model are thus associated with particular servers and agents, and not with respective distinct portions of any particular cryptographic functionality.

Accordingly, it is believed that Schneiderman fails to meet the limitations of independent claim 1. The anticipation rejection should therefore be withdrawn.

Dependent claims 2-27 are believed allowable for the reasons outlined above with regard to claim 1, and are also believed to define separately patentable subject matter relative to Schneiderman.

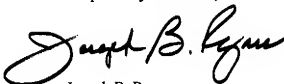
For example, dependent claim 2 indicates that the at least one of the nodes of the graph corresponds to a seed, where the possession of that seed permits execution of a corresponding one of the distinct portions of the cryptographic functionality. The Examiner argues that this limitation is met by the teachings in column 21, lines 54-67, of Schneiderman. See the Office Action at page 5, second paragraph. However, the relied-upon portion of Schneiderman makes no mention whatsoever of seeds, but instead indicates that tree nodes correspond to servers. The limitations of claim 2 are clearly not met by this portion of Schneiderman.

The §102(e) rejection is similarly deficient with regard to the other dependent claims.

Independent claims 28-30 are believed allowable for reasons similar to those outlined above with regard to claim 1.

In view of the foregoing, claims 1-30 as amended herein are believed to be in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" being more prominent and the last name "Ryan" following in a similar style.

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